

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE NORTHERN DISTRICT OF OHIO**

**IN RE:** : **Chapter 13 Proceedings**  
**Eric C. Lemon** : **Case No.: 20-60332**  
**Megan S. Lemon** : **Judge Russ Kendig**  
**Debtors**

**TRUSTEE'S OBJECTION TO CONFIRMATION  
OF CHAPTER 13 PLAN DATED FEBRUARY 24, 2020**

Now comes Dynele L. Schinker-Kuharich, Standing Chapter 13 Trustee, for the above captioned case and objects to Confirmation of the proposed Plan of the Debtor(s) on the grounds that said Plan is in violation of 11 U.S.C. Section(s):

**Chapter 7 value**

1325 (a) (3) the plan has been proposed in good faith and not by any means forbidden by law.

1325 (a) (4) the value, as of the effective date of the plan, of property to be distributed under the plan on account of each allowed unsecured claim is not less than the amount that would be paid on such claim if the estate of the debtor were liquidated under chapter 7 of this title on such date.

**There is non-exempt equity in the 2019 tax refunds of \$1,564.50.**

**Good Faith**

1325 (a) (3) the plan has been proposed in good faith and not by any means forbidden by law.

**Disposable Income**

1325 (a) (1) the plan complies with the provisions of this chapter and with the other applicable provisions of this title.

1325 (a) (3) the plan has been proposed in good faith and not by any means forbidden by law.

And therefore fails to comply with 11 U.S.C. Section

1322 (a) (1) provide for the submission of all or such portion of future earnings or other future income of the debtor to the supervision and control of the trustee as is necessary for the execution of the plan.

A proposed plan must comply with 11 U.S.C. Section

1325 (b) (1) (B) the plan provides that all the debtor's projected disposable income to be received in the applicable commitment period beginning on the date that the first payment is due under the plan will be applied to make payments to unsecured creditors under the plan.

**Debtor-husband's income is understated on Schedule I when compared to paystubs. In addition, Debtors receive large tax refunds as a result of their overwithholding.**

Wherefore, Trustee prays that Confirmation of the Chapter 13 Plan of Debtor(s) be denied.

/s/ Dynele L. Schinker-Kuharich  
Dynele L. Schinker-Kuharich (0069389)  
Chapter 13 Trustee  
A. Michelle Jackson Limas (0074750)  
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### **CERTIFICATE OF SERVICE**

I hereby certify that on May 4, 2020, a true and correct copy of the Objection to Confirmation of Chapter 13 Plan was served via the Court's Electronic Case Filing System upon these entities and individuals who are listed on the Court's Electronic Mail Notice List:

- Office of the United States Trustee at [RegisteredEmailAddress]@usdoj.gov
- Office of the Chapter 13 Trustee, at dlsk@Chapter13Canton.com
- David A. Mucklow , Counsel for Eric C. and Megan S. Lemon, at davidamucklow@yahoo.com

and by regular U.S. Mail, postage prepaid, upon:

Eric & Megan Lemon, Debtor  
1040 Allen Drive  
Wooster, OH 44691

/s/ Dynele L. Schinker-Kuharich  
Dynele L. Schinker-Kuharich  
Chapter 13 Trustee